

Constitutional Litigation Unit

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Your Ref:

Our Ref: M Kekana

15 September 2017

3 pages

TO: INSPECTOR GENERAL OF INTELLIGENCE: DR SI DINTWE
C / O MS R BUNDER
1 LOIS AVENUE
MENLYN,
PRETORIA
Tel: (012) 367 0844
per registered mail
per email: maruDintwe@oigi.gov.za;
copied to: Rb.bunder@gmail.com

Dear Sir,

REQUEST FOR INVESTIGATION: SURVEILLANCE OF KUMARAN SHUNMUGAM NAIDOO (hereinafter referred to as KUMI NAIDOO or OUR CLIENT)

1. We act on behalf of client, Dr. Kumi Naidoo, human rights activist and former Executive Director of Greenpeace International.
2. On the 24th of February 2015 the Al Jazeera news agency reported that the government of South Korea had sent a request for “specific security assessments” to be conducted on our client. The request was sent to the South African Security Agency on 4 March 2010.
3. A copy of the relevant portion of the document titled “liaison activity: review week” published by Al Jazeera is annexed hereto marked “A”.
4. The allegation of state surveillance of a citizen who has been actively involved in civil society, primarily working for human rights, environmental justice, gender equality and poverty eradication in South Africa, Africa and globally is very serious and if true, may

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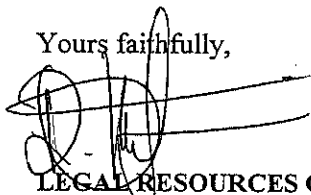
constitute a violation of our client's right to privacy and the privacy of the organization (Greenpeace International) of which he was a director during the period in question.

5. We confirm that on 27 July 2015, our client, delivered an access to information request to the State Security Agency ("SSA") in terms of the Promotion of Access to Information Act, 2000 ("PAIA") regarding the alleged exchange of security information. A copy of the request is annexed hereto marked "B".
6. We further confirm that despite the request having been sent in July 2015, our client has to date not received a response from the SSA.
7. In light of the fact that the SSA has failed to respond to our client's request for access to information our client is unable to ascertain whether his rights were indeed violated and as such cannot access any legal remedies. The failure of the SSA to respond has led to potential infringement of other rights held by our client. These include the right to access information and have access to courts as provided for in the Constitution of the Republic of South Africa, 1996.
8. Our client hereby lodges a complaint against the SSA on the basis of its potential exchange of confidential information in violation of his right to privacy and its failure to provide information regarding his alleged surveillance and the potential infringement of his rights.
9. Our client further requests an investigation and report by the office of the Inspector General of Intelligence which addresses, at least, the following questions:
 - 9.1. What was the nature and extent of the information request concerning our client and the organisation of which he was Executive Director, Greenpeace International
 - 9.2. Whether the request by the government of South Korea was acceded to or refused by the SSA,
 - 9.3. What response was given by the SSA including what information was shared with the government of South Korea, including any agreement, memorandum of understanding or document indicating a response.

9.4. Whether any order or directive was sought, given or refused with regard to our client and his organisation in terms of the Regulation of Related Information Act 70 of 2002 including section 16.

10. We trust you find the above in order and we await your response in this regard. Kindly acknowledge receipt hereof at your soonest convenience.

Yours faithfully,



LEGAL RESOURCES CENTRE

Per: Mosima Kekane

Email: mosima@lrc.org.za